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INTELLIGENCE MEMORANDUM

SOUTH VIETNAM'S CONSTITUENT ASSEMBLY A PRELIMINARY APPRAISAL

DIRECTORATE OF INTELLIGENCE

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CENTRAL INTELLIGENCE AGENCY
Directorate of Intelligence
25 October 1966

INTELLIGENCE MEMORANDUM

South Vietnam's Constituent Assembly
A Preliminary Appraisal

SUMMARY

The makeup of the constituent assembly generally reflects the traditional regional and religious aspects of South Vietnamese politics, with southern regionalism the most active force evident thus far. If, during the life of the assembly, a "dominant" bloc emerges, it will most likely be an alliance of Catholics and southerners. The Catholic delegates have already demonstrated considerable cohesiveness.

Much of the political maneuvering in the body to date has centered on the forthcoming election of assembly officers, which will be the first real test of blocs or alliances. Another noteworthy factor, the inexperience of many of the deputies, is causing the assembly to move more slowly than anticipated in its task of drafting a constitution. Thus far, no fundamental factor has appeared which should prevent the adoption of a constitution acceptable both to the assembly and to the military leaders in the Ky regime.

The assembly has avoided any serious controversy with the government thus far, but there are

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potential problems relating to current restrictions on the scope and independence of the assembly. In addition, political developments outside the assembly will undoubtedly affect the behavior of the deputies, and it is conceivable, in fact, that a group of southern deputies might resign should they feel the northern-dominated government is giving insufficient consideration to southern interests.

Given the current political atmosphere, the chances are that no strong or lasting national political alliances will emerge from the assembly. It is also probable that the assembly will not contribute much to the resolution or the moderation of the larger problems in the political life of South Vietnam. However, the large number of relatively inexperienced deputies, many of whom will later have political roles, will gain some legislative experience, and this in itself is useful.

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Representation in the Assembly

1. The regional and religious factors that have long been the most important influences in the political life of South Vietnam also predominate in the makeup of the constituent assembly.
2. The "southerners," or those who represent the population from Saigon southward through the delta, are by far the most numerous among the regional groups. There are 44 southerners among the 117 members of the assembly. Their strength as a bloc, however, is currently somewhat weakened by the fact that they are not united under one leader; some southerners, moreover, are probably more influenced by religious connections than by geographic considerations.
3. The prospects for a powerful "southern" bloc are, nevertheless, far from remote. Southern regional feelings, in fact, have been stirring during the past few months, and may be stiffening because of the government cabinet crisis. This crisis stemmed from police action by northern members of the regime against southern officials in the government. The crisis is still unresolved, and a group of southern officials, fearing an increased monopoly of government power by northern military leaders before a constitutional government can be established, is trying to weaken the Ky regime.
4. Although the southerners hardly have the power to win this round, the animosities and frictions created by the crisis will significantly complicate the relations between the southern assembly delegates and the government. It is conceivable that a bloc of southern deputies might resign in protest if they believed their interests were being given insufficient consideration. Such a move, however, would be contrary to the southerners' interest in developing a representative government in which, with their significant population base, they would have great power potential.

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5. The group of 27 "northerners" in the assembly, who were born in what is now North Vietnam, have the backing mainly of the bloc of northern refugees who moved south following the establishment of the Communist regime in the north. There are possibly 1.5 million such refugees (mostly Catholic) living around Saigon and in scattered clusters elsewhere in central Vietnam. The presence of many northerners in the assembly is not, however, an unexpected development. They seem to take a special interest in politics and have often exercised a strong influence in the political life of the country. The present Saigon regime is, in fact, dominated by northern civil and military officials.

6. The assembly has 28 members who were born in the central and northern provinces. These delegates, almost all of whom ran for election in central Vietnam, do not appear to be organizing along regional lines at present. The regional and ethnic background of the remaining 18 delegates is varied: there are eight Chinese, six montagnards, and four Khmers (Cambodians).

7. From a religious perspective, it is apparent that the Catholics are potentially the most influential religious element in the assembly. There are at least 33 Catholic delegates representing approximately 1.5 million Catholics in South Vietnam. The Catholics have traditionally been a potent political as well as religious influence in South Vietnam and have tended to act as a bloc. During the Diem era, their voice was very strong in the government councils.

8. Although delegates with Buddhist religious ties--there are at least 34--are as numerous as the Catholics, they are less likely to organize into a religious bloc. The primary vehicle for Buddhist political influence in South Vietnam--the Unified Buddhist Association (UBA)--did not formally endorse candidates for the assembly, and is the one major political group in South Vietnam without any numerical strength in the body. The more powerful and militant faction in the UBA, which is responsive to Tri Quang and is based primarily in central Vietnam, boycotted the election. There may be individual

delegates who will more or less represent the views of either moderate or militant Buddhists, but most of those who are listed as Buddhists will be less influenced by their religion than by regional, political, or occupational considerations.

9. The Hoa Hao religious sect, located largely in the delta area south of Saigon, is represented by some 15 delegates who will probably form a relatively cohesive bloc. They fall almost entirely within the larger southern regional grouping, but may act independently of it. Premier Ky has been extending various concessions to the Hoa Hao leadership during the past several months to build a reservoir of good will.

10. Religious considerations among the remaining delegates are unimportant.

11. Only a small minority of the assembly delegates can be classified on the basis of prior membership in established political parties. Factions of the Dai Viet and VNQDD parties--the traditional, but heavily splintered, nationalist groups--elected eight and ten delegates, respectively. Most of these delegates are from the northern provinces of South Vietnam where the parties have some genuine grass-roots organization and where normally strong competition from Tri Quang's Buddhist organization was lacking during the election. Although these two parties displayed internal unity during the campaign, reports now vary as to whether their elected delegates will be able to maintain any degree of cohesion.

12. One new political group, known as the Movement for the Renaissance of the South, emerged during the campaign and has between seven and ten members in the assembly. It is led by Youth Minister Vo Long Trieu, who is a key southerner in

the current cabinet dispute. It is not yet clear whether this group will be able to attract enough adherents to form the core of a southern regional bloc.

13. Occupational backgrounds are another prominent distinguishing factor in the makeup of the assembly. There are 20 active-duty military personnel and 18 civil servants among the delegates, but their cohesion as a "government bloc" has not yet been tested. Other occupational groups with large representation are teachers and businessmen, but they do not appear likely to unite along such lines into voting groups.

14. There are several other general characteristics of the assembly which will probably exert a significant impact on its operations. The majority of the delegates, for example, are relatively young. The average age of the deputies is 39, and about half the members are under 45. This is, moreover, the first significant political office many of the delegates have held. Many of the deputies are unknown to each other and to leading politicians of the Saigon area. The combination of youth, inexperience, and unfamiliarity will doubtless contribute to a lack of precision in the assembly's work and will make it more difficult for the body to stick closely to the job of drafting the constitution.

Initial Political Maneuvering

15. As expected, the activities of most of the deputies have so far been concerned as much with political maneuvering toward the formation of groups, coalitions, and blocs within the assembly as with the formal deliberations of the body. Well-known politicians from the Saigon area and other lesser known, but ambitious,

political figures are sounding out the delegates regarding the election of permanent assembly officers.*

*Decree Law 021/66, of 19 June 1966, is the basic law prescribing the organization and procedures of the assembly. It was jointly drafted by the special electoral committee and the government. The law provides that the assembly must certify the credentials of at least two thirds of its members and draft its procedural rules before electing permanent officers. The election of officers is to be followed by the establishment of a constitution-drafting committee which has the responsibility for producing a constitution acceptable to an "absolute" majority of the assembly.

The law states that this draft must be presented to the government no later than six months from the convening of the assembly. During this six-month period, the chief of state is authorized to communicate with the assembly in writing, and to attend its sessions either in person or by means of a representative.

Once the constitution has been received by the government, a 30-day period is allowed to complete the promulgation process. There is a provision--Article 20--which allows the government to make such changes in the draft as it sees fit, and to return it to the assembly for reconsideration. If the assembly does not override the government's modifications by a two-thirds majority, the government version will be officially promulgated. When the constitution is promulgated, the assembly will be dissolved, and the government will have a three- to six-month period in which to set up the institutions of government outlined in the constitution.

16. Since the officers will be in a position to exercise considerable influence, it behooves the various groups and coalitions to have adequate ties or connections with them. The election, in fact, should provide the first real test of the potential strength of the various elements.

17. Several well-known politicians from the Saigon area are rated as the top contenders for assembly office. They include Phan Khac Suu, a former chief of state and a southerner; Tran Van Van, a vigorous proponent of southern regionalism and former head of the Peoples - Armed Forces Advisory Council; La Thanh Nghe, a wealthy Saigon businessman and former head of the Saigon city council; Dr. Phan Quang Dan, an ambitious and independent northerner; and Dang Van Sung, well-known newspaper publisher and acknowledged leader of the northern faction of the Dai Viet Party.

18. The front-runners have been occupied thus far by efforts to maximize their individual support, but they may soon begin to form coalition slates for the election of officers. There have been some recent indications that Dr. Dan is considering dropping his ambitions to be elected chairman of the assembly and running instead for assistant chairman or secretary general on a slate headed by Phan Khac Suu or La Thanh Nghe. Other such compromises between the front-runners will probably develop as they make more definite assessments of each other's relative strength. At present, Phan Khac Suu, as a relatively noncontroversial southerner, is generally the favored candidate. However, it is clear that the politicking of the more or less established political elements has been complicated by the presence of the larger number of relatively unknown deputies. It is still possible, in fact, that one of the unknowns could emerge as chairman by leading a "revolt" against the well-known politicians.

19. There have been a number of reports that the Ky government is seeking to exert its influence in the assembly by tendering government support to various candidates. Tran Van An, a recent civilian

addition to the ruling Directorate who apparently is close to Chief of State Thieu, has on several occasions stated that there is a group of nearly 50 deputies who will follow government advice. The existence of such a group would more than suffice as the "blocking third" should the government find it necessary to exercise its veto.

20. It is not clear, however, whether the various reports of government support for individuals in the forthcoming elections have any validity. There appear to be a number of candidates who would be acceptable to government leaders, and real pressure may be exerted by the regime only if victory appears to be going to an undesirable candidate such as Tran Van Van, whose strong southern regionalism carries antigovernment and antimilitary overtones.

Potential Blocs

21. Analysis of the political maneuvering so far suggests that regionalism is likely to be the strongest of the influences operating in the assembly both in the coming elections and in future work. Religion will be a close second, followed by a myriad of other influences including family ties and social and professional connections, which factors complicate the decision made by the individual delegate on any given question. Thus far, there is no evidence that a majority bloc of any kind has been formed and it is somewhat doubtful that any enduring alliances will emerge during the early stages. It is more likely, at least at the start, that the majorities formed to support various proposals and actions will be transitory, and will depend primarily on the shifting nature of the issues and the circumstances.

22. The reports so far, taken together with the numerical proportions of the assembly, suggest that the most likely "dominant" assembly bloc--if one eventually emerges--will be an alliance of Catholics and southerners. Catholics have already demonstrated their cohesion and effectiveness in

the voting for subcommittees and in the leadership of these committees. Various southern politicians are vying for leadership of a regional bloc. Even should the southerners unite and attempt to form an alliance with the Catholics, however, friction might soon occur along regional lines between the southerners and the militant northern refugee Catholics.

Assembly Action to Date

23. Officially, action has so far been confined largely to completing the required organizational arrangements before beginning work on the constitution. The required subcommittees on procedural rules and credentials have completed their work. Even this preliminary work, however, has stirred up some controversy within the body. In addition, the assembly has exhibited a tendency to digress somewhat from its prescribed business. It has, for example, established a committee to deal with relief for victims of floods in the delta. Although some deputies questioned the wisdom of this move, it was endorsed by a solid majority.

24. The rules committee, apparently not content to adopt a set of straightforward procedural rules, undertook the ambitious task of writing a complete charter for the assembly which duplicates parts of Decree Law 021/66. Discussion of one of the provisions--a statement of purpose--developed into a heated controversy on 13 October, and emphasized the division of opinion on whether the assembly should become a legislature after it finishes drafting a constitution. The issue was later settled by adopting a version which stated that the "chief responsibility" of the assembly was to draft and approve a constitution.

Relations With the Government

25. The assembly has avoided any serious controversy with the government thus far. However, the strong feelings of many of the deputies on the government's veto power and on the need for the assembly to assume a legislative function could easily

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lead to a confrontation, especially if the officers elected are relatively hostile toward the Ky regime or the military establishment in general. Premier Ky has indicated that he would be willing to consider broadening the scope of the assembly's duties. His final decision on such a matter, however, will probably hinge on the degree of support and sympathy which the assembly manifests during the next few months toward the views of the military leaders.

26. Government officials have also privately assured well-known politicians in the assembly that the government does not intend to exercise its veto over the constitution draft unless absolutely necessary. Most of the candidates for the top assembly posts, with the exception of Tran Van Van, appear to have accepted the assurances and probably do not intend to raise the issue formally in the assembly.

27. The one potentially serious political issue dealt with by the assembly thus far is the question of the release of political prisoners now under detention by the government. This delicate problem, involving many Catholic supporters of Diem as well as some members of the Buddhist "struggle" movement, is being approached with considerable caution by the Ky regime. An assembly resolution criticizing the government on this subject could well have embarrassed government officials. However, by a narrow majority the assembly finally voted in favor of a loosely worded resolution which recommended amnesty for "prisoners," and left it up to the government to decide who merited release. The government responded by releasing 26 common criminals, rather than political prisoners, to honor the opening of the constituent assembly.

28. There is no inherent factor which should prevent the drafting of a constitution acceptable to both the assembly and the government. A solid majority of both assembly deputies and government leaders who have expressed their views on the constitution indicate that they favor a presidential form of government. Little discussion of details has yet taken place, however, and specific provisions

may create problems. For example, Chief of State Thieu was thinking at one time of an arrangement that would guarantee the military a certain number of seats in the upper house of a legislature. However, there is no evidence that the thinking of military leaders has jelled, and it is entirely possible that they may decide against attempting to ensure military influence in the future government by means of a specific constitutional provision.

Outlook

29. Although there will probably be many twists and turns in its progress, it seems likely that the constituent assembly will eventually produce a constitution basically acceptable to the government. It seems unlikely, however, that the assembly will contribute much to the resolution or moderation of the larger problems in the political life of South Vietnam. Its action so far, for example, suggests that its members have little real inclination to achieve a smoother and more effective working relationship between civilian and military elements, either in or out of the government.

30. It also seems doubtful that any lasting political alliances are likely to emerge from the assembly. Regionalism and religion will probably continue to be more divisive than unifying factors. On the positive side, however, the creation of the assembly has brought a number of new political faces into the limelight. The legislative experience they will acquire along with their veteran colleagues is certainly a fundamental first step forward.

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